

Atty Dkt. No.: STAN-193
USSN: 09/863,841

EXPRESS MAIL LABEL NO. EV333 998 636US

RESPONSE TO RESTRICTION REQUIREMENT Address to: Mail Stop ____ Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No.	STAN-193
	Confirmation No.	8970
	First Named Inventor	KIRKEGAARD, KARLA
	Application Number	09/863,841
	Filing Date	May 22, 2001
	Group Art Unit	1631
	Examiner Name	BORIN, MICHAEL L.
	Title: "INHIBITORS OF VIRAL INFECTION"	

Sir:

This is in response to the Restriction Requirement dated September 30, 2003, which set a one month period for response. Because November 30, 2003 fell on a Sunday, this response is timely filed on Monday, December 1, 2003.

The Examiner required election of one of the following groups of claims:

- Group I: Claims 2 (in part), 3, drawn to pharmacophore binding to surface defined by residues 342 and 349 of interface I;
- Group II: Claims 2 (in part) 4 drawn to pharmacophore binding to surface defined by residues 446, 455, 456 of interface I;
- Group III: Claim 5, 6, drawn to pharmacophore binding to interface II;
- Group IV: Claims 8-10, drawn to a peptide pharmacophore;
- Group V: Claim 11, drawn to an antibody pharmacophore;
- Group VI: Claim 12, drawn to small molecule pharmacophore;
- Group VII: Claim 17, 18, drawn to method of use of compounds of Groups I-VI, classified in class 514, in general; and
- Group VIII: Claim 19-23, drawn to a computer, classified in class 707, subclass 12.

Applicants hereby elect to prosecute the claims of Group I, claims 2 (in part) and 3 with traverse as set out below.

01/08/2004 WPHILLIP 00000005 500815 09063841

01 FC:2251

55.00 DA

The Office Action has restricted claims that recite the word "pharmacophore" (Groups I, II, and III) as separate inventions from claims that recite the pharmacophore is a peptide, an antibody, or a small molecule (Groups IV, V, and VI). The term "pharmacophore" is generic to each of peptides, antibodies, and small molecules as defined in the specification.¹ Peptides, antibodies, and small molecules are exemplary species of the genus of pharmacophores.

Requiring election of a generic "pharmacophore" separate from the species of molecules "pharmacophore" encompasses creates a logical inconsistency. This is akin to restricting claims that recite "plants" as an invention separate from each of the inventions embodied in claims that recite "tree", "flower", and "shrub".

Because "pharmacophore" is generic to each of the molecules of Groups IV-VI, the claims of each of these groups should properly be included for examination with the elected pharmacophore of any of either Group I, II, or III. In the instant case, then, because applicants have elected pharmacophores according to Group I, pharmacophores that are peptides, antibodies, or small molecules with the same binding characteristics should be examined together.

Applicants expressly reserve the right under 35 USC §121 to file a divisional application directed to the non-elected subject matter or any subject matter disclosed in this application during the pendency of this application.

¹ Specifically, the specification states that "'pharmacophore' is meant to encompass synthetic, naturally occurring, or recombinantly produced molecules (e.g., small molecule; drugs; peptides; antibodies (including antigen-binding antibody fragments, e.g., to provide for passive immunity); endogenous factors present in eukaryotic or prokaryotic cells (e.g., polypeptides, plant extracts, and the like); etc." (paragraph [0039], text on page 8).

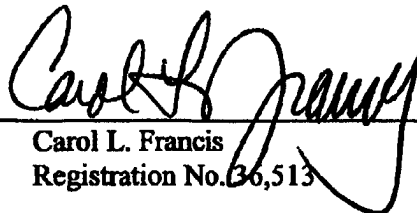
The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number STAN-193.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date:

Dec 1, 2003

By:


Carol L. Francis
Registration No. 36,513

BOZICEVIC, FIELD & FRANCIS LLP

200 Middlefield Road, Suite 200

Menlo Park, CA 94025

Telephone: (650) 327-3400

Facsimile: (650) 327-3231

F:\FORMS\Patent Forms\New Amendments\resp restr reqment.rtf